

FGC MAIL SECTION

**Federal Communications Commission**

DA 99-529

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Review of the Commission's  
Broadcast and Cable  
Equal Employment Opportunity  
Rules and Policies  
and  
Termination of the  
EEO Streamlining Proceeding

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MM Docket No. 98-204

MM Docket No. 96-16

## ORDER

**Adopted: March 22, 1999**

**Released: March 22, 1999**

**Reply Comment Date: April 15, 1999**

By the Chief, Mass Media Bureau:

1. On November 20, 1998, the Commission released a Notice of Proposed Rule Making, MM Docket No. 98-204, 13 FCC Rcd 23004 (NPRM), requesting comment on various proposals concerning the Commission's broadcast and cable EEO rules and policies. Comment and Reply Comment deadlines were established for January 19, 1999, and February 18, 1999, respectively.

2. On December 17, 1998, the National Association of Broadcasters ("NAB") filed a "Motion for Extension of Time of Comment and Reply Comment Deadlines" ("Motion").<sup>1</sup> Therein, the NAB requested that we extend the due dates for the submission of comments and reply comments in response to the NPRM to February 18, 1999, and March 23, 1999, respectively. On January 4, 1999, the Minority Media and Telecommunications Council ("MMTC") sent a letter to the Commission expressing support for the NAB's Motion.

3. Because we believed that the public interest would be served by an extension of the comment period in this proceeding, we granted the NAB's Motion and extended the date for filing comments to February 18, 1999, and extended the date for filing reply comments to March 23, 1999, in an Order released January 5, 1999, DA 99-105.

<sup>1</sup> See National Association of Broadcasters' Motion for Extension of Time of Comment and Reply Comment Deadlines, MM Docket Nos. 98-204 and 96-16 at 1.

4. On February 10, 1999, the MMTC filed a "Motion for Extension of Time."<sup>2</sup> Therein, the MMTC requested that we extend the due date for the submission of comments in response to the NPRM for three weeks, until March 11, 1999.

5. Because we believed that the public interest would be served by an extension of the comment period in this proceeding, we granted the MMTC's Motion in part and extended the date for filing comments to March 1, 1999, and, on our own motion, extended the date for filing reply comments to March 31, 1999, in an Order released February 12, 1999, DA 99-326.

6. On March 1, 1999, MMTC and over 20 national civil rights organizations ("MMTC et al.") filed a letter ("MMTC letter") with the Commission in which they stated that they were unable to file their comments by the comment deadline due to "[t]he magnitude of the task and the illnesses of many of the fifteen people involved in this project" and in which they stated that they would move for consideration of their comments nunc pro tunc.<sup>3</sup> In the letter, the MMTC et al. also stated that they planned to file four volumes of comments, with Volume I being 183 pages in length. On March 5, 1999, MMTC et al. filed Volume I of their comments, with a cover letter requesting consideration of these comments nunc pro tunc.<sup>4</sup> MMTC et al. also stated that they would shortly file Volumes II ("the Operation of an FCC Regulatory Program"), Volume III ("Statements of Witnesses"), and Volume IV ("Discussion of Witnesses' Statements") of their comments.

7. On March 10, 1999, the NAB and broadcast associations representing all 50 states, the District of Columbia and Puerto Rico ("NAB et al.") filed a "Motion For Extension of Time of Reply Comment Deadline". Therein, NAB et al. requested that the Commission extend the due date for submission of reply comments. In support of their request, the NAB et al. stated that an important part of the comments for the record are not yet available. They cited to the MMTC letter and noted that, while MMTC et al. filed Volume I of their comments on March 5, 1999, they have yet to file the remaining volumes, whose length is unknown. The NAB et al. argued that, given the circumstances described above, if the Commission decides to consider MMTC et al.'s comments, it would be impossible for commenters to reply to all of the materials submitted in this proceeding by March 31, 1999. The NAB et al. further contended that, because the MMTC et al. has indicated that their future comments will include factual studies, sufficient time must be allowed for those studies to be evaluated and any additional research suggested by those studies to be conducted. Therefore, the NAB et al. contended that the Commission should extend the due date for filing comments to 60 days after the date that the MMTC's final volume, Volume IV, is filed with the Commission.

8. On March 19, 1999, MMTC et al. filed the remainder of their comments, Volumes II, III, and IV, with a cover letter requesting consideration of these comments nunc pro tunc. We believe that it is in the public interest to grant MMTC et al.'s request to consider their comments, even though their comments were filed after the due date for comments in this proceeding. MMTC et al. include a large number of organizations whose voices we feel should be heard in this proceeding and they provided sufficient explanation for the lateness of the filing. Therefore, we hereby grant MMTC's request to have

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<sup>2</sup> See Minority Media and Telecommunications Council's Motion for Extension of Time, MM Docket Nos. 98-204 and 96-16.

<sup>3</sup> See Letter from David Honig, Counsel for EEO Supporters [MMTC et al.], to Hon. Magalie Roman Salas, Secretary, Federal Communications Commission, MM Docket Nos. 98-204 and 96-16.

<sup>4</sup> See Comments filed by MMTC and 29 other organizations, MM Docket Nos. 98-204 and 96-16.

their comments be considered nunc pro tunc in this proceeding.

9. We have considered the extension request filed by the NAB et al. and hereby extend the date for filing reply comments to April 15, 1999. This extension affords interested parties sufficient time from the date of MMTC et al.'s last comment submission and a total of 45 days from the March 1 filing of all but one of the other comments. We believe that this is ample time to prepare and submit reply comments in this proceeding.

10. ACCORDINGLY, IT IS ORDERED that the MMTC et al.'s request for consideration of their comments nunc pro tunc IS GRANTED.

11. IT FURTHER ORDERED that the Motion for Extension of Time filed by the NAB et al. IS GRANTED IN PART and DENIED IN PART.

12. IT IS THEREFORE ORDERED that the date for filing reply comments in this proceeding IS EXTENDED to **April 15, 1999**.

13. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i) and 303(r), and Sections 0.204(b), 0.283 and 1.46 of the Commission's Rules, 47 C.F.R. Sections 0.204(b), 0.283 and 1.46.

FEDERAL COMMUNICATIONS COMMISSION

  
Roy J. Stewart  
Chief, Mass Media Bureau